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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,236	02/06/2001	Alan R. Smith	STL920000102US1	4245
45112	7590	09/14/2005	EXAMINER	
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			TANG, KENNETH	
			ART UNIT	PAPER NUMBER
			2195	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/778,236	SMITH, ALAN R.	
	Examiner	Art Unit	
	Kenneth Tang	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 September 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16, 19-35, 38-45 and 48 is/are rejected.
- 7) Claim(s) 16-18, 35-37, and 45-47 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/10/04</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 5/16/05, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-48 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 6-7, 11, 14-15, 19-21, 25-26, 30, 33-34, 38-40, 43-44, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (US 5,761,667) in view of Ahmad et al. (hereinafter Ahmad) (US 5,745,748).**

4. As to claim 1, Koeppen teaches a method for performing on a computer system one or more form independent application program operations on at least one IMS resource comprising:

(a) at least one Information Management System resource (IMS database) exclusive of predetermined knowledge pertaining to an IMS construct form (data structure) (*col. 1, lines 5-10, col. 3, lines 25-67*), and

(b) locating/utilizing and performing said one or more application program operations on said at least one IMS resource (unloading and loading an IMS database) (*col. 1, lines 45-67 through col. 2, lines 1-29, col. 3, lines 25-57, col. 9, lines 23-30*).

5. Koeppen teaches having data blocks that act as “logical containers” within the IMS database (*col. 9, lines 23-31, col. 1, lines 17-26, e tc.*). Koeppen fails to explicitly state using a program communication block (PCB) with the IMS database. However, Ahmad teaches that for an IMS system, PCBs, Data Base Description (DBD) and Program Specification Blocks (PSBs) are well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having PCBs for the IMS database to the existing IMS database because this allows data to be identified and accessed within the IMS database (*col. 6, lines 13-23, col. 4, lines 40-52, col. 2, lines 52-53*).

6. As to claim 2, Koeppen teaches wherein said IMS resource is a database (IMS database) (*col. 3, lines 41*).

7. As to claim 6, Ahmad teaches wherein said IMS construct form depends from the choice of programming language used to generate a Program Specification Block (PSB) (*col. 6, lines 13-23*).
8. As to claim 7, Ahmad teaches wherein said IMS construct form depends from the order of PCBs associated with said PSB (*col. 6, lines 13-23*).
9. As to claim 11, Ahmad teaches wherein said PSB is associated with a language selected from the group consisting of COBOL, Assembly Language, PL/I, PASCAL, and C (*col. 1, lines 28-31*). It is also noted that page 2 of the Applicant's Specification illustrates that it is already known that IMS application programs are typically coded in COBOL, OL/I, C, PASCAL or assembly language.
10. As to claim 14, Ahmad teaches wherein step (a) comprises the steps of:
 - (a1) locating a first candidate PCB (*col. 6, lines 13-23, etc.*),
 - (a2) determining if said first candidate PCB is said actual PCB (*col. 6, lines 13-23, etc.*).and
 - (a3) if said first candidate PCB is not said actual PCB, utilizing said first candidate PCB as a pointer to locate said actual PCB (*col. 6, lines 13-23, etc.*).
11. As to claim 15, Koeppen and Ahmad fails to explicitly teach wherein said determining step comprises verifying that a name field of said first candidate PCB consists of only printable

characters. However, it would be obvious to one of ordinary skill in the art to verify that a name field of said first candidate PCB consists of only printable characters because names are consisted of only printable characters. Verifying and checking for this will decrease errors.

12. As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Ahmad teaches ensuring the existence of IMS constructs representing at least one IMS database without regard for construct form (*col. 13, lines 10-42, Fig. 7*).
13. As to claim 20, it is rejected for the same reasons as stated in the rejection of claim 1.
14. As to claim 21, it is rejected for the same reasons as stated in the rejection of claim 2.
15. As to claim 25, it is rejected for the same reasons as stated in the rejection of claim 6.
16. As to claim 26, it is rejected for the same reasons as stated in the rejection of claim 7.
17. As to claim 30, it is rejected for the same reasons as stated in the rejection of claim 11.
18. As to claim 33, it is rejected for the same reasons as stated in the rejection of claim 14.
19. As to claim 34, it is rejected for the same reasons as stated in the rejection of claim 15.

20. As to claim 38, it is rejected for the same reasons as stated in the rejection of claim 1.
21. As to claim 39, it is rejected for the same reasons as stated in the rejection of claim 2.
22. As to claim 40, it is rejected for the same reasons as stated in the rejection of claims 6, 7 and 12.
23. As to claim 43, it is rejected for the same reasons as stated in the rejection of claim 14.
24. As to claim 44, it is rejected for the same reasons as stated in the rejection of claim 15.
25. As to claim 48, it is rejected for the same reasons as stated in the rejection of claim 11.
26. **Claims 3-5 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (US 5,761,667) in view of Ahmad et al. (hereinafter Ahmad) (US 5,745,748), and further in view of Mahoney et al. (hereinafter Mahoney) (US 5,991,761).**
27. As to claim 3, Koeppen teaches wherein said database is of a type selected from the group consisting of Hierarchic Direct Access Method (HDAM) and Hierarchic Indexed Direct Access Method (HIDAM) (*col. 4, lines 40-42*). Koeppen fails to explicitly teach including in the group a Data Entry Database (DEDB). However, Mahoney teaches that the DEDB is a well

known IMS hierarchical database (*col. 1, lines 40-45*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include this additional (DEDB) IMS database to the existing group because it would increase the flexibility of the system by being able to choose from an additional well known IMS hierarchical database.

28. As to claim 4, Koeppen teaches wherein said application program operations include unloading said database (unloading and loading an IMS database) (*col. 1, lines 45-67 through col. 2, lines 1-29*).

29. As to claim 5, Koeppen teaches wherein said application program operations include loading said database (unloading and loading an IMS database) (*col. 1, lines 45-67 through col. 2, lines 1-29*).

30. As to claim 22, it is rejected for the same reasons as stated in the rejection of claim 3.

31. As to claim 23, it is rejected for the same reasons as stated in the rejection of claim 4.

32. As to claim 24, it is rejected for the same reasons as stated in the rejection of claim 5.

33. **Claims 8-10, 13, 27-29, 32, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (US 5,761,667) in view of Ahmad et al. (hereinafter Ahmad)**

(US 5,745,748), and further in view of Fukumoto et al. (hereinafter Fukumoto) (US 5,155,678).

34. As to claim 8, Koeppen and Ahmad fail to explicitly teach wherein said application program operations are invoked from an application program executing an IMS region selected from the group consisting of Batch Message Processing (BMP), Data Language One (DL/I), Database Management Batch (DBB), Message Processing Program (MPP), and Interactive Fast Path (IFP). However, Fukumoto teaches executing an IMS region selected from the group of BMP, DL/I, MPP, and IFP (*col. 8, lines 49-63*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these IMS related applications to the existing IMS database of Koeppen and Ahmad because this increases flexibility by giving alternative data manipulation languages (*col. 8, lines 49-63*). Fukumoto does not teach using DBB, however, it would be obvious to one of ordinary skill in the art to use another program such as DBB for the same reasons as stated as above.

35. As to claim 9; Koeppen (col. 8, lines 34-56) in view of Ahmad (col. 6, liens 13-23) teaches wherein locating a PCB further comprises locating an (input/output) I/O PCB.

36. As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 9.

37. As to claim 13, Koeppen (*col. 7, lines 18-23, col. 8, lines 27-43*) in view of Ahmad (*col. 6, lines 13-23*) teaches wherein utilizing said actual PCB comprises utilizing said I/O PCB to

perform checkpoint processing. In addition, Fukumoto teaches checkpoint processing (*col. 10, line 37, etc.*).

38. As to claim 27, it is rejected for the same reasons as stated in the rejection of claim 8.

39. As to claim 28, it is rejected for the same reasons as stated in the rejection of claim 9.

40. As to claim 29, it is rejected for the same reasons as stated in the rejection of claim 10.

41. As to claim 32, Ahmad teaches wherein said computer program second instructions use said I/O PCB to perform message queue processing (IMS-related messages) (*col. 12, lines 14-21, col. 6, lines 13-23*).

42. As to claim 41, it is rejected for the same reasons as stated in the rejection of claim 9.

43. As to claim 42, it is rejected for the same reasons as stated in the rejection of claim 13.

44. **Claims 12 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koeppen (US 5,761,667) in view of Ahmad et al. (hereinafter Ahmad) (US 5,745,748), and further in view of Applicant's Admitted Prior Art in the Specification (hereinafter AAP).**

45. As to claim 12, AAP fails to explicitly teach wherein said IMS construct form additionally depends from the quantity of PCBs associated with said PSB. However, AAP teaches that it is well known in the art of IMS that an IMS construct form additionally depends from the quantity of PCBs associated with said PSB (*page 4, lines 5-8*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include to include the feature of an IMS construct form additionally depends from the quantity of PCBs associated with said PSB to the existing IMS database because this provide a benefit that is typically associated with an IMS resource.

46. As to claim 31, it is rejected for the same reasons as stated in the rejection of claim 12.

Allowable Subject Matter

47. Claims 16-18, 35-37, and 45-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

48. Applicant's argument have been fully considered but are now moot in view of the new grounds of rejections.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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